

Fiscal Services Division Legislative Services Agency Fiscal Note

HF 2259 - Pseudoephedrine, Restricted Access I (LSB 6168 HV)
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Fiscal Note Version — New
Requested by Representative Clel Baudler

Description

House File 2259 relates to selling and purchasing of products containing pseudoephedrine and providing penalties.

Assumptions

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other correction policies and practices will not change over the projection period.
3. The law will become effective July 1, 2004. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. In FY 2003, the jail incarceration rate for a simple misdemeanor was 12.3% and the average jail days imposed was eight days.
5. In FY 2003, the jail incarceration rate for a serious misdemeanor was 32.8% and the average jail days imposed was 47 days. For a serious misdemeanor property offense, the average prison incarceration rate was 1.5% and the average time served in prison was eight months.
6. If a person purchases more than two packages of pseudoephedrine as the sole ingredient in a single transaction, the person commits a simple misdemeanor punishable by a scheduled fine of \$100. If an employee sells more than two packages of pseudoephedrine as the sole ingredient to one person, the employee commits a simple misdemeanor punishable by a scheduled fine of \$100.
7. House File 2259 enhances the penalty for a person who commits a theft of more than two packages containing pseudoephedrine as the sole active ingredient or more than two packages containing pseudoephedrine in combination with other active ingredients to a serious misdemeanor.
8. House File 2259 requires the cases to be heard by a magistrate; however, some counties do not have magistrates.

Correctional Impact

The simple misdemeanor punishable by a scheduled violation of \$100 is not anticipated to have a significant correctional impact due to the fine-only penalties set forth in HF 2259. There is no readily available information to determine how many charges/convictions for these offenses would occur annually.

The serious misdemeanor for theft would have a correctional impact to the extent that such theft occurs, since it is raising the penalty from a simple misdemeanor to a serious misdemeanor. For one person convicted of a serious misdemeanor offense, the jail stay is 47 days, the average prison stay is 8 months, the average time on parole is 10 months, and the average stay on probation is 14 months.

Fiscal Impact

The fiscal impact for HF 2259 cannot be determined since it is unknown how many people will be convicted of theft of pseudoephedrine.

The fiscal impact for a serious misdemeanor conviction for theft for one person ranges from approximately \$100 to \$5,000.

The fiscal impact for a serious misdemeanor for theft would increase county jail expenditures by approximately \$600 per person.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Judicial Branch

Dennis C Prouty

February 17, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
